REMARKS

The indication that claims 3 and 6 are objected to and would be allowable when written in independent form including all of the limitations of the base claim and any intervening claims, is acknowledged.

Applicants note that such claims have been retained in dependent form at this time, since applicants submit that by the present amendment, independent claim 1 from which claim 3 depends and independent claim 4 from which claim 6 depends, have been amended to recite further features of the present invention which, applicants submit patentably distinguish over the cited art. Additionally, independent claim 7 has also been amended in a similar manner, with dependent claim 8 also being amended.

As to the rejection of claims 1, 2, 4, 5, 7 and 8 under 35 U.S.C. 102(b) as being clearly anticipated by Suzuki et al (WO 95/28680) which the Examiner indicates that Suzuki et al (5,965,858) is an English translation thereof, and the rejection of claims 1, 2, 4, 5 and 7 under 35 U.S.C. 102(b) as being clearly anticipated by Boehm (DE 4312180 A1), such rejections are traversed insofar as they are applicable to the present claims, and reconsideration and withdrawal of the rejection are respectfully requested.

As to the requirements to support a rejection under 35 U.S.C. 102, reference is made to the decision of In re Robertson, 49 USPQ 2d 1949 (Fed. Cir. 1999), wherein the court pointed out that anticipation under 35 U.S.C. §102 requires that each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. As noted by the court, if the prior art reference does not expressly set forth a particular element of the claim, that reference still may anticipate if the element is "inherent" in its disclosure. To establish inherency, the extrinsic evidence "must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." Moreover, the court

pointed out that inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.

Applicants note that the Examiner contends that "either Boehm (DE 4312180 A1) or Suzuki et al (WO 95/28680) disclose a recycling system in which a storage device is attached to an item, which may be recyclable. The storage device contains a database of information on the components that make up the device as well as information regarding the recovery/extraction of the components contained within the device that are either recyclable or harmful. Once the information is obtained from the database, the recyclable/harmful components are extracted and treated pursuant to the information obtained from the database. Applicants note that with respect to Suzuki et al, inventors of this application are coinventors of Suzuki et al, with the present invention as claimed being considered a departure from or an improved with respect to Suzuki et al. Applicants submit that such features of the cited art do not correspond to the features as now recited in independent claims 1, 4 and 7, as will be discussed below.

In accordance with the present invention, as illustrated in Figs. 23-25 of the drawings of this application, while a treatment procedure is effected for individual components in accordance with the information obtained as shown in Fig. 23, for example, the present invention as shown in step 630 determines whether the treatment work has been completed or will be able to be performed in conformance with the treatment procedure, and if it is determined that the treatment work cannot be carried out for the component, as shown in step 650, an alteration of the treatment procedure is effected so as to enable carrying out of a determined altered treatment procedure. Such features are described in the specification of this application at page 69, line 1 to page 81, for example. More particularly, pages 69-73 describe the detection of non-execution of the original treatment procedure with

page 74 et. seq. describing the extraction of separation procedure information for detecting the alternative treatment procedure for the component.

Turning to claim 1, for example, this claim has been amended to clarify features of the present invention and add the steps of determining that the treatment process for one of the component parts cannot be executed, and altering the treatment process for the one of the component parts by extracting separation procedure information concerned with the one of the component parts and determining the altered treatment process for the one of the component parts. Irrespective of the contentions by the Examiner, applicants submit that Suzuki et al and Boehm taken alone or in any combination fail to disclose or teach the recited features of claim 1 in the sense of 35 U.S.C. 102. Applicants submit that further, it cannot be considered obvious based upon the disclosure of the cited art to provide the recited features as now recited in claim 1 and the other independent claims of this application. Accordingly, such claims should be considered allowable thereover.

With respect to independent claims 4 and 7, applicants note that such claims recite similar features as now recited in claim 1, with claim 4 reciting the feature of means for determining the treatment procedure effected by one of the first and second treating means for one of the component parts and the other component parts cannot be executed, and altering means responsive to the determining means for altering the treatment procedure for the one of the component parts and the other component parts. In a similar manner, claim 7 has been amended to recite the feature of detecting present status information concerning treatment procedure of component parts concerned with a treatment when a part of the treatment cannot be executed while carrying the treatment in accordance with the generated treatment procedure, and altering the treatment procedure by extracting separation procedure information concerned with the component part and determining the altering treatment procedure. Applicants submit that neither Boehm nor Suzuki disclose determining that the desired procedure for the component part cannot be executed

and determining an alternative treatment procedure for such component part, as now recited in each of independent claims 1, 4 and 7 and the dependent claims thereof. Accordingly, applicants submit that independent claims 1, 4 and 7 and the dependent claims patentably distinguish over the cited art and should now be considered allowable thereover.

In view of the above amendments and remarks, applicants submit that all claims present in this application should now be in condition for allowance, and issuance of an action of a favorable nature is courteously solicited.

To the extent necessary, applicant's petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (500.36322CX1) and please credit any excess fees to such deposit account.

Respectfully submitted,

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